

for DHS. It would be premature to do so because there has been no analysis of the pros and cons of the Complex, compared to other possible sites. DHS will continue to be housed in the Complex facility while DHS and GSA prepare a long-term housing plan for the Department of Homeland Security to be submitted for approval to the Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works. Through that process, the Committee will determine an appropriate permanent headquarters location for DHS in the District of Columbia.

While the Nebraska Avenue Naval Complex adequately serves DHS as an interim facility, there are many serious deficiencies associated with its aging buildings and the fact that the facility's 33 buildings are scattered across a 38-acre site. Moreover, building and telecommunication security is not optimal. DHS, GSA, and the Transportation Committee will consider these and other issues as we examine a long-term housing plan and headquarters location for DHS.

Mr. HUNTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4322, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A Bill to provide for the transfer of the Nebraska Avenue Naval Complex in the District of Columbia to facilitate the establishment of the headquarters for the Department of Homeland Security, to provide for the acquisition by Department of the Navy of suitable replacement facilities, and for other purposes."

A motion to reconsider was laid on the table.

#### PROVIDING RAPID ACQUISITION AUTHORITY TO SECRETARY OF DEFENSE TO RESPOND TO COMBAT EMERGENCIES

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4323) to amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies.

The Clerk read as follows:

H.R. 4323

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RAPID ACQUISITION AUTHORITY TO RESPOND TO COMBAT EMERGENCIES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

##### "§2410p. Rapid acquisition authority to respond to combat emergencies

"(a) RAPID ACQUISITION AUTHORITY.—The Secretary of Defense may rapidly acquire, in accordance with this section, equipment needed by a combatant commander to elimi-

nate a combat capability deficiency that has resulted in combat fatalities.

"(b) PROCESS FOR RAPID ACQUISITION.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall develop a process for the rapid acquisition authority provided by subsection (a) and submit to Congress a detailed explanation of the process, including procedures to be followed in carrying out the process. The process shall provide for the following:

"(1) A requirement that the process may be used only to acquire the minimum amount of equipment needed until the needs of the combatant commander can be fulfilled under existing acquisition statutes, policies, directives, and regulations.

"(2) A goal of awarding a contract for the equipment within 15 days after receipt of a request from a commander.

"(3) In a case in which the equipment cannot be acquired without an extensive delay, a requirement for an interim solution to minimize the combat capability deficiency and combat fatalities until the equipment can be acquired.

"(4) Waiver of the applicability of all policies, directives, and regulations related to—

"(A) the establishment of the requirement for the equipment;

"(B) the research, development, test, and evaluation of the equipment; and

"(C) the solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

"(5) Such other procedures or requirements as the Secretary considers appropriate.

"(c) WAIVER OF CERTAIN STATUTES.—For purposes of exercising the authority provided by subsection (a) with respect to equipment, laws relating to the following shall not apply:

"(A) The establishment of the requirement for the equipment.

"(B) The research, development, test, and evaluation of the equipment.

"(C) The solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

"(d) LIMITATIONS.—The rapid acquisition authority provided by subsection (a) may be used only—

"(1) after the Secretary of Defense, without delegation, determines in writing that there exists a combat capability deficiency that has resulted in combat fatalities; and

"(2) to acquire equipment in an amount aggregating not more than \$100,000,000 during a fiscal year.

"(e) SOURCE OF FUNDS.—For acquisitions under this section to be made during any fiscal year, the Secretary may use any funds made available to the Department of Defense for that fiscal year.

"(f) NOTIFICATION TO CONGRESS AFTER EACH USE OF AUTHORITY.—The Secretary of Defense shall notify the congressional defense committees within 15 days after each use of the authority provided by subsection (a). Each such notice shall identify the equipment to be acquired, the amount to be expended for such acquisition, and the source of funds for such acquisition.

"(g) COMBATANT COMMANDER.—In this section, the term 'combatant commander' means the commander of a unified combatant command with authority for the conduct of operations in a specific area of responsibility or who otherwise has authority to conduct operations at the direction of the President or Secretary of Defense."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410p. Rapid acquisition authority to respond to combat emergencies."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

#### GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 21, 2004, the Committee on Armed Services held an open hearing on the performance of the DOD acquisition process in support of force protection for combat forces, an area which is of extreme importance to all Americans, and especially to our 138,000-plus troops serving in Iraq and the troops who are serving in Afghanistan, and obviously other places around the world where our forces are exposed to terrorist operations and the dangers thereof.

Mr. Speaker, as a result of the testimony that we received in this hearing, it became very clear that under the special circumstances, a change in the acquisition process is required. When a combat commander submits an urgent requirement for equipment that directly relates to preventing combat fatalities, it should not take 6 months to process the commander's request. Because of the oversight role that Congress plays and of course the interest that any administration, the executive branch, has in the acquisition process and the many billions of dollars which flow through the military acquisition process, it is understandable that our acquisition process is rather slow moving.

There are combatant requirements that are set up by the field commanders. Those are scrubbed by a number of requirements, bodies, including the joint chiefs, and the service that attends that particular area. There is a competitive bidding process which carries with it its own appeals process. And as a result of that, when we have a requirement that emanates from field conditions, from a threat that is posed by the enemy on the battlefield, it can take months and months and months before America can respond to that particular challenge.

Right now we are seeing some of that, and we are seeing rapid tactical changes by our adversaries in the field in Afghanistan and Iraq and other places. Very simply, Mr. Speaker, we have to be able to react quickly. We need to be able to come up with not necessarily the 100 percent solution, but maybe the 80 percent solution while we are researching and developing and putting out contracts in this very measured pace that the present acquisition system takes.

So the trust that is given to the people of the United States Congress by the soldiers and families is that we provide them with the necessary systems and equipment to accomplish their mission at any time, anywhere in the world. In keeping this trust, we must be honest in our assessment of whether we are doing everything in our power to not only give them everything that they need to accomplish their mission but we give it to them when they need it, in other words, to be able to act quickly to tactical changes by our adversaries.

H.R. 4323 does that. It says that a combatant commander makes a request from the field and that request emanates from combat fatalities, that the contract award should not take more than 15 days from the time that urgent request is made from the field. This is not intended to knock out the normal acquisition process. It is intended as a quick-start bridge to the normal acquisition process that gets something in the field quickly, whether it is armor for our troops, new types of munitions, new types of surveillance, but gets something in the field quickly that will have an immediate salutary effect on the casualty rate.

As I said before, we do not need to have the 100 percent solution. In many cases, the 80 percent solution would draw down that casualty rate very substantially. This is a very narrow, but important, piece of legislation. It is the right thing to do for our troops.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in favor of H.R. 4323, a bill to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies. This is a bill that passed the Committee on Armed Services under the leadership of the gentleman from California (Mr. HUNTER) last month on a voice vote, and I urge its support here.

I might also note that this is just one other example of the laser-like focus of the gentleman from California (Mr. HUNTER) on getting the kinds of tools and resources our troops in the field need. This is one example of that. We have seen it in other subcommittee hearings, the gentleman coming to encourage the Department of Defense to do all it can as quickly as possible to get our troops what they need as quickly as possible.

We all know the importance of body armor and armored vehicles for our soldiers in Iraq. These capabilities save lives, but the Department's acquisition system often is not agile enough to get these capabilities in the field when we need them. In fact, a recent hearing in the Committee on Armed Services showed the acquisition system is in many ways badly broken when it comes to getting our troops what they need when they need it.

This bill will go a long way to meeting the deficiencies in the current sys-

tem. It requires the Secretary of Defense to develop a process within 30 days of enactment for the rapid acquisition of equipment needed by a combatant commander to eliminate a deficiency that has resulted in combat fatalities.

□ 1600

The goal is to award the contract within 15 days or to provide an interim solution if there will be a substantial delay.

To get these capabilities to our troops in the field fast, we allow the department to waive acquisition laws relating to competition. This is something we should take seriously given the problems in Iraq and elsewhere with the lack of competition for contracts. But the authority in this bill is narrowly drawn and is used to prevent the deaths of our soldiers, sailors, airmen and Marines. There is congressional notification so that we can watch how the authority is used.

All of us in Congress appreciate the tremendous sacrifice of our servicemen and women. We are providing enormous amounts of money to ensure that they have the best training and equipment they need to complete their missions in Iraq, Afghanistan and around the world. This authority will ensure that the department can get that equipment to them as quickly as we should and fix the deficiencies in the acquisition system. We owe that to our troops. I urge support for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Once again I want to thank the distinguished gentleman from Washington for his leadership on this bill, also, and all the Members, Republican and Democrat, who worked on this. This is truly a bipartisan product.

Mr. Speaker, I include for printing in the CONGRESSIONAL RECORD two letters: One is a letter from the Committee on Government Reform waiving jurisdiction over H.R. 4323 and the second letter is my response dated today.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT REFORM,  
Washington, DC, May 23, 2004.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services, 2120  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN: On May 11, 2004, we introduced H.R. 4323, a bill to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies. The Committee on Armed Services ordered this bill reported on May 12. As you know, H.R. 4323 contains provisions within the jurisdiction of the Committee on Government Reform under Rule X of the Rules of the House of Representatives—specifically, the subsection entitled "Waiver of Certain Statutes."

Because of our desire to move this legislation expeditiously, I will waive consideration of the bill by the Committee on Government Reform. By agreeing to waive this consideration of the bill, the Committee does not waive its jurisdiction over H.R. 4323. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be

convened on this legislation. I ask your commitment to support any request for conferees by the Committee on H.R. 4323 or similar legislation.

I request that you include this letter in the Congressional Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, June 14, 2004.

Hon. THOMAS DAVIS,  
Chairman, Committee on Government Reform,  
United States House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4323, a bill to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies.

I agree that the Committee on Government Reform has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Government Reform is not waiving its jurisdiction. Further, this exchange of letters will be included in the Congressional Record during consideration of the legislation on the House floor.

With best wishes.

Sincerely,

DUNCAN HUNTER,  
Chairman.

Mr. Speaker, I also want to thank our staff who worked on this bill and who came back from their trips, and almost every member of our committee has been to Iraq, a number of them to Afghanistan. The need to get equipment to the field quickly is a concern that we all have. I want to thank the staff folks also who took these trips and attended many long and weary hours moving around in various forms of transportation in Iraq and Afghanistan, talking with the troops about equipment, about what we do; that is, supplying the tools to get the job done and helping to work up this legislation. Again I thank the gentleman from Washington and our great staff on the Committee on Armed Services.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4323.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

**HONORING THE MEMBERS OF THE ARMY MOTOR TRANSPORT SERVICE THAT SERVED DURING WORLD WAR II FOR THEIR SERVICE AND CONTRIBUTION TO THE ALLIED ADVANCE FOLLOWING THE D-DAY INVASION**

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 439) honoring the members of the Army Motor Transport Service that served during World War II and participated in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion, as amended.

The Clerk read as follows:

H. CON. RES. 439

Whereas June 6, 2004, the 60th anniversary of the World War II D-Day invasion of Normandy, France, was observed by Americans with numerous commemorations of the sacrifices of those who fought to preserve the liberty and freedom of the people of the United States;

Whereas commemoration of those sacrifices and the recollection of those who served should include all who served, including those who performed critical logistics functions;

Whereas after the breakout from the beachheads at Normandy following the D-Day landings, Allied forces began a rapid advance across France, with the result that advancing units in many cases began to outrun their supplies of fuel, food, and ammunition;

Whereas on August 21, 1944, in response to the need for resupply of rapidly advancing forces, the Army Motor Transportation Service created a trucking operation called the Red Ball Express which began operations on August 25, 1944;

Whereas the Red Ball Express was a massive convoy effort to speed supplies to the Allied armies advancing across France;

Whereas the convoy system stretched from Normandy to Paris and eventually to the front in the northeastern borderland of France;

Whereas by ensuring that United States and other Allied soldiers were properly resupplied, the Red Ball Express played a major role in the defeat of Nazi Germany;

Whereas members of the Red Ball Express persevered through arduous driving conditions and constant threats of ground and aerial ambushes and performed their duties with precision and efficiency;

Whereas the Red Ball Express was in operation for 82 days and, by the time Red Ball Express operations were concluded in November 1944, Red Ball Express truckers had delivered over 410,000 tons of fuel, ammunition, food, and other essential supplies for the Allied forces to succeed in Europe;

Whereas, during World War II, many commanders believed that African-Americans were not suitable for combat duties and relegated them to service, support, and supply missions;

Whereas the majority of Red Ball Express drivers were African-Americans;

Whereas the success of the Allied advance through France was made possible by the soldiers who drove the supply trucks; and

Whereas the members of the Army Motor Transport Brigade who participated in the Red Ball Express contributed unselfishly to the war effort despite the indignities and double standards that they endured: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress honors the*

members of the Army Motor Transport Brigade who during World War II served in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion in Normandy, France.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

**GENERAL LEAVE**

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when called to prosecute a war, Americans have always brought a number of important qualities to the war fight. Leadership, courage, teamwork and commitment are but a few examples of the inherent characteristics of American warriors that make us a feared adversary. One only has to look at the record of our forces fighting in Iraq today to understand that our society is still producing men and women who have the "right stuff."

I would suggest that another vital warfighting skill that is a great American strength is the ability to organize. While the present day military can cite many examples of superb achievements in organization, House Concurrent Resolution 439 reminds us of one of the great examples of military organization from World War II, the Red Ball Express, and the great Americans who made it work to defeat Nazi tyranny.

The Red Ball Express was the massive effort to resupply Allied armies as they advanced through Europe after D-Day. Following the breakout from Normandy and the French hedgerow country at the end of July 1944, the First Army under General Bradley and the Third Army under General Patton began to race north and east from St. Lo, France. I might add, Mr. Speaker, that Helen Tracy, who was General Patton's secretary in World War II and was with him when he died in Germany shortly after the war, is a member of my staff and we are very proud of Helen. I hope that she is watching this order with respect to the Red Ball Express.

In this first 100 percent internal combustion engine war, gasoline was the key to continued success on the battlefield. As U.S. and French troops entered Paris at the end of August 1944, the two armies were consuming 800,000 gallons of gasoline each day and had exhausted their reserve supplies.

On August 21, 1944, the Army Motor Transport Service responded to the

challenge with a trucking operation called the Red Ball Express. Within days, over 900 trucks were trekking the 700 miles round trip from St. Lo to Paris and the front lines to the north-east carrying the gasoline, ammunition and other supplies needed to keep the armies on the move. At a speed of 25 miles per hour and distance of 60 yards apart, the trucks moved 24 hours a day along the dedicated route marked with red balls, an old railroad symbol for priority freight. By mid-November, when the operation ended, the Red Ball Express truckers had delivered over 410,000 tons of gas, oil, lubricants, ammunition, food and other essentials using nearly 6,000 vehicles at the peak of operations. This amazing example of organization only became a reality because those 6,000 trucks were driven by men who possessed all those other qualities I mentioned earlier, leadership, courage, teamwork and commitment. Fatigue, weather and enemy ground and air attacks all took their toll, but these men were determined not to let General Patton or General Bradley down. They knew what was at stake and they were in the fight as much as any combat soldier.

Three-quarters of those soldiers driving that hazardous route were African Americans serving in segregated truck companies and quartermaster units. Most of these dedicated men would have preferred to be assigned combat duties, but they were denied that opportunity. Notwithstanding having been dealt a hand not of their own choosing, they accepted the role they had been given and did it with a warrior's spirit, a spirit that we would now recognize as authentically American.

The men that refused to allow the Red Ball Express to fail, and particularly those who were African American, deserve more than a footnote in our military history. The outstanding performance of the African Americans who endured the dangers and hardships of the Red Ball Express was a source of great pride and reflected credit on their race during a time when few chose to acknowledge their immense contribution to the war effort.

Mr. Speaker, I commend the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this resolution. The Red Ball Express was a great moment in our country's military history. I am grateful for the opportunity to speak on the issue.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I rise in support of this concurrent resolution.

Mr. Speaker, I rise in support of House Concurrent Resolution 439. Introduced by the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, this bill honors the participants of the "Red Ball Express", an Army Motor Transport Brigade that served during World War II.

The Red Ball Express was the code name of a huge convoy operation which began on August 21, 1944, to provide provisions and